

SENATE BILL NO. 398

INTRODUCED BY J. BALYEAT

A BILL FOR AN ACT ENTITLED: "AN ACT SUBMITTING TO THE QUALIFIED ELECTORS OF MONTANA AN AMENDMENT TO ARTICLE IV OF THE MONTANA CONSTITUTION TO PROVIDE A NEW PROCEDURE FOR THE RECALL OF STATE AND LOCAL GOVERNMENT OFFICERS; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. **Section 1.** Article IV of The Constitution of the State of Montana is amended by adding a new section 9 that reads:

Section 9. Recall of state government or local government officer. (1) Any state or local government elected or appointed officer may be recalled for any reason or for no reason. The people are the sole authority for recall of elected or appointed officers. The right of recall may not be restricted other than by the restrictions contained in this section. The sufficiency of a recall petition and of cause for a recall is a political matter for the people to decide at a recall election and is not a matter for judicial review or subject to further restriction by legislative enactment.

(2) A recall petition must include the full name and office of the person sought to be recalled and must be signed by at least ten percent of the qualified electors eligible to vote for that office or for the most immediate elected supervisor of an appointed officer. For a statewide office, at least ten percent of the qualified electors eligible to vote for the office or the officer's most immediate elected supervisor in each of at least one-half of the counties must sign the recall petition.

(3) A recall petition must be filed with the secretary of state for a multicounty or statewide office or the county election administrator for a local office. If the petition is found by the office in which it is filed to have been signed by the required number of electors, that office shall cause an election to be held on the recall. If a regularly scheduled election is to be held within two to six months, the recall election must be held in conjunction with that election. Otherwise, the recall election must be held in two months. Notice of the election must be given by the office in which the petition was filed twice a month for the two months prior to the election in every newspaper of general circulation in the county for a local office, the multicounty area for a multicounty office, or

1 the state for a statewide office.

2 (4) If recall is approved by a majority of the qualified electors, the office immediately becomes vacant
3 and the recalled officer is ineligible to hold that office or a similar office for ten years. The vacancy must be filled
4 as provided by law.

5
6 **NEW SECTION. Section 2. Submission to electorate.** This amendment shall be submitted to the
7 qualified electors of Montana at the general election to be held in November 2006 by printing on the ballot the
8 full title of this act and the following:

9 ☐ FOR providing a new procedure for the recall of state and local government officers.

10 ☐ AGAINST providing a new procedure for the recall of state and local government officers.

11
12 **NEW SECTION. Section 3. Effective date.** This amendment is effective upon approval by the
13 electorate.

14 - END -